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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| IN RE: BROWNELL, Peter R. |) |
| |) |
| SERIAL NO: 10/752,879 |) |
| |) APPEAL NO. _____ |
| FOR: METHOD FOR ON-LINE PARTS ORDERING |) |
| |) |
| |) BRIEF ON APPEAL |
| FILED: January 6, 2004 |) |
| |) |
| GROUP ART UNIT: 3627 |) |
| |) |
| ATTORNEY DOCKET NO. P06605US0 |) |

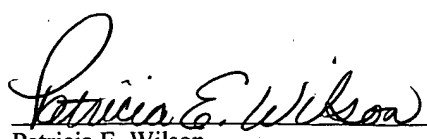
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I. REAL PARTY OF INTEREST

According to MPEP § 1206, identification of the real party of interest will allow members of the board to comply with ethics regulations. The real party of interest is Brownells, Inc., although this application has not at this time been assigned to Brownells, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences at this time.

III. STATUS OF CLAIMS

Claims 1-21 are pending, have been rejected and appealed. No other claims are currently pending.

IV. STATUS OF AMENDMENTS

No amendment has been filed subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed towards a method of selling replacement parts for a product to a customer over a computer network. (Specification, p. 2, lines 12-13. The method includes providing product manufacturer selection options such as the manufactures 132 displayed in screen display 120 or Figure 2. (Specification, p. 4, lines 11-23). The method also includes providing product selections such as those shown in screen display 40

of Figure 3 (Specification, p. 4, lines 24-31). The method also includes providing an interactive schematic illustrating the component parts of a product and associated reference identifiers such as shown in the schematic 164 of the web page 60 shown in Figure 4 (Specification, p. 5, lines 1-10).

Independent claim 8 is directed towards a method of selling replacement gun parts over a computer network (Specification, p. 2, lines 12-13). The method includes providing gun manufacturer selection options such as manufactures 132 displayed in screen display 120 of Figure 2 (Specification, p. 4, lines 11-23). The method also includes providing gun product selections such as those shown in screen display 40 of Figure 3 (Specification, p. 4, lines 24-31). The method also includes providing an interactive schematic illustrating component parts of the gun product and associated reference identifiers such as shown in the schematic 164 of the web page 60 shown in Figure 4 (Specification, p. 5, lines 1-10).

Independent claim 19 is directed towards a method of ordering parts for a gun from a customer's perspective. The method includes visiting a web site associated with a gun supplier, identifying a physical gun part to be replaced, the physical gun part not including an identifying part number but then having a known manufacturer and a known model number from the web site, receiving from the web site a schematic of the gun, comparing the physical gun part to be replaced to the schematic of the gun, matching the physical gun part with a gun illustrated within the schematic, selecting a link on the schematic to receive an associated description of the selected gun part, and selecting a link to initiate an ordering process to

order a replacement gun part matching the associated description and matching the physical gun part (Specification, p. 7, lines 1-15).

Independent claim 20 is directed towards a method of selling replacement gun parts using a web site (Specification, p. 2, lines 12-13). The method includes providing the web site for the customer to visit to order a replacement gun part, providing on the web site a plurality of gun manufacturer selection options for the customer to select from, receiving a manufacturer selection of one of the gun manufacturers from the customer using the web site, providing on the web site a plurality of gun product selection options, receiving a production of one of the gun products for the customer, providing on the web site an interactive schematic illustrating a plurality of component parts of the gun product, and receiving a customer selection from the interactive schematic.

VI. ISSUES

A. Whether claims 1-21 are obvious in view of Uemura.

VII. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner contends that Uemura renders claims 1-21 obvious. It is well-settled patent law that for an examiner establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine references to arrive at the claimed invention. *In re Chu*, 66 F.3d 292, 298 (Fed. Cir. 1995).

As the Board of Patent Appeals and Interferences has stated, "citing references which merely indicate that isolated elements and/or features recited in claims are known is not sufficient bases for concluding that the combination of claimed elements would have been obvious." *Ex parte Hiyamizu*, 10 U.S.P.Q.2d 1393, 1394 (B.P.A.I. 1988). The Federal Circuit has explained that there must be "some objective teaching" leading to the combination. *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992). This showing must likewise be "clear and particular." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Thus, for the Examiner to meet its burden of establishing a *prima facie* case that Uemura render claims 1-21 obvious, it must have a clear and particular showing of some objecting teaching leading one of ordinary skill in the art to modify Uemura to arrive at the claimed invention. It is respectfully stated that the Examiner has not done so for many reasons.

A. The Examiner improperly considered the Uemura reference as prior art even though it is directed at a different problem than faced by the inventor

Applicant's invention is generally directed at solving certain problems faced by owners of simple products in attempting to order replacement parts for such simple products. For example, one aspect of applicant's invention is directed at solving problems faced by owners of gun products in attempting to identify and order replacement parts for guns on the computer network of an intermediate, multi-manufacturer gun part supplier. Similarly, another aspect of applicant's invention is directed at solving problems faced by intermediate suppliers selling components for guns from multiple different manufacturers. Facing such problems, one would seek to eliminate or minimize the features the owners of the products

have to add or include in their products or their own data processing systems to perform the ordering functions.

Conversely, Uemura is generally directed towards integrating features into complex equipment, such as an analyzing system which includes a data processor, that facilitate reordering of replacement parts and consumables for that complex equipment directly from the manufacturer of that complex equipment thereby eliminating the need to include intermediary suppliers in the ordering process. (Uemura, ¶ [0002].) Uemura is directed at designing a product that includes numerous features to perform the ordering function.

Moreover, the invention is directed at method provided by an intermediate supplier and/or performed by an intermediate supplier's customers. One of the problems Uemura is directed at solving is the elimination of intermediate suppliers in the replacement part ordering process. Stated differently, one of Uemura's goals is to eliminate the very entity best suited to provide the ordering function in the claimed invention.

To say the very least, Uemura solves a different problem in a different way than the invention claimed in claims 1-21 of the invention. A reference should not be considered under 35 U.S.C. § 103 if "it is not within the field of [the] inventor's endeavor and was not directly pertinent to the particular problem with which the inventor was involved." *King Instrument Corp. v. Otari Corp.*, 767 F.2d 853, 858 (Fed. Cir. 1985). As a result, the Examiner improperly considered the Uemura reference in its § 103 obviousness analysis, and its objections based thereupon should be overturned. As all of the Examiner's objections are based on its improper consideration of Uemura, claims 1-21 are in condition for allowability.

B. Claims 1-21 are not obvious in light of Uemura because Uemura does not teach or otherwise disclose many of the elements in claims 1-21, and it would not have been obvious to one of ordinary skill in the art to modify Uemura to arrive at the claimed invention

As discussed above, the Examiner should not have considered Uemura as prior art in this case. Regardless, Uemura does not teach or otherwise disclose many of the elements in claims 1-21 of the invention, and the Examiner has not met its burden to show that it would have been obvious to one of ordinary skill in the art to modify Uemura to arrive at the invention as claimed for many reasons, including those set forth below. Thus, the Examiner's obviousness rejections are improper. *See In re Chu*, 66 F.3d at 298.

1. Uemura does not teach or otherwise disclose the provision of an interactive schematic that is provided over an intermediary supplier's computer network as is required by claims 1-21

Claims 1-21 all include limitations which require the provision of an interactive schematic that is provided over the intermediate supplier's computer network so that a user can access that schematic easily and use it as the component selection functionality of the overall ordering functionality. In particular, claim 1 requires "providing over the computer network and to the customer an interactive schematic illustrating a plurality of component parts of the product with associated reference identifiers." Claims 2-7 depend from claim 1, such that they all include the same limitation.

Similarly, claim 8 requires "providing over the computer network to the customer an interactive schematic illustrating a plurality of component parts of the gun product with associated reference identifiers." Claims 9-18 depend from claim 8, such that they all include such limitation. Further, claim 19 requires all of the following: "receiving from the web site

a schematic of the gun," "comparing the physical gun part to be replaced to the schematic of the gun," "matching the physical gun part with a gun part illustrated within the schematic," and "selecting a link on the schematic to receive an associated description of the selected gun part." Finally, claim 20 requires both "providing on the web site an interactive schematic illustrating a plurality of component parts of the gun product" and "receiving a customer selection from the interactive schematic, the selection corresponding with one of the component parts to re-order." Claim 21 depends from claim 20, such that it also includes this same limitation.

Uemura simply does not teach or otherwise disclose this group of elements. Uemura does disclose a parts diagram in paragraph [0018]. However it must be understood that in Uemura the parts diagram is not provided over or by a computer network (*i.e.*, a web site) providing the ordering functionality. Instead, the Uemura parts diagram is stored in the memory of the user's the data processor of the user's product, such that it does not directly effectuate or cause the selection functionality portion of the ordering system. (Uemura, ¶ [0018].) Rather, the user uses the Uemura parts diagram "to assist in . . . identifying a specific component part to be replaced" (Uemura, ¶ [0039] (emphasis supplied))—*i.e.*, a user can use the diagram as a reference, not as the ultimate selection tool itself.

Further, the Uemura parts diagram is not provided over the supplier's computer network. The Examiner contends that the Uemura parts diagram is provided over a computer network and cites to paragraphs 18 and 21 of Uemura. (February 7, 2006 Office Action, page 6.) Uemura, however, does not provide any such explicit or inherent disclosure. Rather,

Uemura merely discloses that a parts diagram is stored and displayed on the user's local data processing equipment and that parts information may be updated by receiving transmissions from the supplier's remote data processing equipment. (Uemura, ¶ [0018].) As a result, the parts diagram is not provided to the user via the supplier's computer network.

This distinction is critical, especially in light of the problems sought by the applicant. Indeed, one of the problems applicant is trying to overcome is the difficulty owners of simple products have in trying to identify and order replacement parts for that simple product and the difficulties suppliers of multiple manufacturers' products have in facilitating owners' identification and ordering of such parts.

However, to accomplish this goal requires providing access to information relating to a vast number of products for a large number of different manufacturers while at the same time not forcing the owner to have to purchase, install, and maintain software or other systems to operate such a system, nor having to receive continual and repeated updates to ensure the accuracy of such information. Often, owners of such simple products as guns do not have overly sophisticated computer systems, and even more often the products themselves are not sophisticated enough to include replacement part identification and ordering functionality. Thus, by providing the identification and ordering functionality over a computer network (*i.e.*, the supplier's web site) and by allowing the interactive schematic to perform the selection functionality and trigger the ordering functionality of the system, applicant is able to accomplish both the goal of simplifying the owners' parts identification and ordering experience and the goal of not forcing the owner to have to purchase, install,

maintain and receive updates at its own data processor for such identification and ordering system.

Because the Examiner relies solely on Uemura to establish this interactive schematic element included in all of the claims and Uemura does not teach or otherwise disclose it, the Examiner has not established it prima facie case for obviousness for any of the claims. For this reason alone, the Examiner's 35 U.S.C. § 103 obviousness objections should be overturned, and claims 1-21 are in condition for allowability.

2. It would not have been obvious to one of ordinary skill in the art to modify Uemura to provide a list of multiple manufacturers from which the user can select to identify the user's product and to provide information related to products from the multiple manufacturers as required by claims 1-21

Claims 1-21 all include limitations which require the provision of a list of multiple different manufacturers so that a user can select which one of those manufacturers is the manufacturer of the product for which it needs to identify and order a replacement part. In particular, claim 1 requires both the step of "providing a plurality of product manufacturer selection options for the customer to select from over the computer network" and the step of "receiving a manufacturer selection of one of the product manufacturers from the customer and over the computer network." Claims 2-7 depend from claim 1, such that they all include these same limitations.

Similarly, claim 8 requires the step of "providing on the web site a plurality of gun manufacturer selection options for a customer to select from." Claims 9-18 depend from claim 8, such that they all include such limitation. Further, claim 19 requires the step of

"selecting the known manufacturer from the web site." Finally, claim 20 requires both the steps of "providing on the web site a plurality of gun manufacturer selection options for the customer to select from" and "receiving a manufacturer selection of one of the gun manufacturers from the customer using the web site." Claim 21 depends from claim 20, such that it also includes these same limitations.

Claims 1-21 also require the provision of a list of the different products from the different manufacturers and information related to each product with which the user can interact to select the replacement part it desires to order. In particular, claim 1 requires the step of "providing a plurality of product selections for the customer to select from over the computer network," claim 8 requires the step of "providing a plurality of gun product selection options for the customer to select from over the computer network," claim 19 requires the step of "selecting the known model number from the web site," and claim 20 requires the step of "providing on the web site a plurality of gun product selection options for the customer using the web site to select from."

The Examiner concedes that Uemura simply does not teach or otherwise disclose these elements¹ because, as the Examiner notes, Uemura's methodology is directed to the supply of replacement parts for a single system supplied by a single manufacturer. (February 7, 2006 Office Action, page 3.) Regardless, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uemura to

¹ Uemura also does not disclose the step of "receiving a manufacturer selection of one of the product manufacturers over the computer network" either.

allow customer to select from products from multiple manufacturers and cited to the case law concerning the principle that mere duplication of the essential working parts of a device involves only routine skill in the art. (February 7, 2006 Office Action, pages 3-4 (citing *In re Harza*, 124 U.S.P.Q. 378 (CCPA 1960); MPEP § 2144.04(VI)(B)).)

However, providing functionality for multiple manufacturers is not merely duplication here. Indeed, it would not have made technical sense to modify Uemura as suggested by the Examiner. As explained above, one of the goals of Uemura was to eliminate the middle man—*i.e.*, the intermediate supplier of products from multiple different manufacturers. (See Uemura, ¶¶ [007-008].) Further, Uemura is directed at a complex product that is manufactured by a single manufacturer in a manner to ensure that the complex product facilitates ordering of replacement parts from that manufacturer. (See Uemura, ¶ [002].) In fact one of the very problems Uemura resolves is "the problem of parts being ordered from someone other than the manufacturer." (See Uemura, ¶ [008].) Why would a manufacturer of a system that is capable of ordering its own replacement parts link the equipment itself to a competitor or other source of component parts instead of directly to the manufacturer? It just makes no sense to do so, and Uemura flatly teaches away from doing so. See *Tec Air, Inc. v. Denso Mfg. Mich. Inc.*, 192 F.3d 1353, 1360, 52 U.S.P.Q.2d 1294, 1298 (Fed. Cir. 1999) ("A reference may be said to teach away when a person of ordinary skill, upon reading the reference, . . . would be led in a direction divergent from the path that was taken by the applicant."). As a result, even if the Examiner could otherwise satisfy its burden of establishing a *prima facie* case of obviousness, which the Examiner cannot, Uemura's

teachings away from the very modification urged by the Examiner would rebut such a showing. *In re Geisler*, 116 F.3d 1465, 1469, 43 U.S.P.Q.2d 1362, 1365 (Fed. Cir. 1997) ("A prima facie case of obviousness can be rebutted if the applicant . . . can show 'that the art in any material respect taught away' from the claimed invention.").

Further, even if one of ordinary skill in the art would ignore such teachings in Uemura and attempt to create a multi-manufacturer system, doing so in a manner consistent with what is described in Uemura would be conflict with at least one of the objects of the invention here. Indeed, as explained above, the invention requires an interactive schematic of each product of each manufacturer. Thus, the more manufacturers and thus products on the system, the greater the amount of data storage and random-access memory necessary to run the system. Further, the necessary updates to the system would be even more numerous and repetitive. According to Uemura, all of these technical burdens would be part of the product itself, or at least would be located in equipment owned and operated by the user. To require the user to incur all of these additional technical burdens simply to identify and order replacement parts from multiple different manufacturers when other competing suppliers do not require such burdens would likely be the death knell of such a system.

In sum, it is respectfully urged that it would not have been obvious to one of ordinary skill in the art to modify Uemura to allow owners of a product to select the manufacturer—from a list of multiple different manufactures—from which the owner desires to order its replacement parts. For this reason alone, the Examiner's 35 U.S.C. § 103 obviousness objections should be overturned, and claims 1-21 are in condition for allowability.

3. It would not have been obvious to one of ordinary skill in the art to modify Uemura to provide more than one name and part number per part as required by claims 7, 13, and 15

Dependent claims 7, 13 and 15 all include a limitation requiring the component part description to include more than one name or part number associated with the part to effectively effectuate the multiple manufacturer functionality of the claimed invention. As the Examiner recognizes, Uemura does not disclose these limitations (February 7, 2006 Office Action, pages 4). Moreover, despite the Examiner's conclusory arguments to the contrary, it would not have been obvious to modify Uemura to include more than one name or part number associated with the component part because, as discussed above, Uemura is specifically directed towards a single manufacturer, such that it would not make sense to have more than one name associated with the same component part. Therefore, it is respectfully urged that the Examiner's obviousness objections to at least claims 7, 13 and 15 should be overturned and those claims are in a condition for allowability for this independent reason.

4. It would not have been obvious to one of ordinary skill in the art to modify Uemura in a manner to be applicable to guns or firearms as required by claims 3 and 8-21 and

Claim 3, which depends from claim 1, adds a requirement that the product for which the replacement parts are to be ordered be a firearm product. Similarly, claim 8 includes multiple elements limiting the product to a gun, such as "[a] method of selling replacement gun parts over a computer network, comprising" and "providing a plurality of gun product selection options for the customer to select from over the computer network." Claims 9-18 depend from claim 8, such that they all include such limitations. Similarly, claim 19 includes

many elements limiting the product to a gun, including "identifying a physical gun part to be replaced, said physical gun part not including an identifying part number, the gun having a known manufacturer and a known model number." Finally, claim 20 includes many similar limitations, including "providing the web site for the customer to visit to order a replacement gun part." Claim 21 depends from claim 20, such that it also includes these same limitations.

The Examiner acknowledges that Uemura does not disclose a method of identifying and ordering replacement parts for guns or other firearms. (February 7, 2006 Office Action, page 4.) However, the Examiner contends that Uemura discloses a web site customers can visit and that "Uemura is directed to no particular product." (September 30, 2005 Office Action, page 6.) The Examiner relies only on paragraph 31 and claims 1-6 of Uemura to support its contention. (September 30, 2005 Office Action, page 6.) However, such support is simply unavailing here. Indeed, paragraph 31 of Uemura merely recites the common language indicating that the invention is not limited to the detailed description of Uemura. (See Uemura, ¶ [0031].) Further, claims 1-6 are limited to a specific type of product—*i.e.*, a complex product "having a data processor system for controlling an operation of [the product]," "a storage member" and "a communication unit." (See Uemura, claims 1-6.)

Despite the lack of support for its contention, the Examiner further contends that because the sale "of firearm products are well known," it would have been obvious to one of ordinary skill in the art to adapt the Uemura method to sell firearm products, since doing so "could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results, merely as a matter of design choice."

(February 7, 2006 Office Action, page 4.) It is respectfully urged that the Examiner's conclusory assertion does not satisfy its burden to establish the presence of firearms or guns in Uemura.

Indeed, it would not make sense to have a gun or other firearm product that automatically reordered parts for itself, especially since the vast majority of guns and firearm products do not have Uemura's required "data processor system for controlling an operation of [the firearm]," "storage member" and "communication unit." Thus, modifying Uemura to apply to guns or other firearms would require one of ordinary skill in the art to incur much undue experimentation. *See, e.g., Medichem, S.A. v. Rolabo, S.L.*, 437 F.3d 1157, 1165 (Fed. Cir. 2006) (a modification to a prior art reference is not obvious if implementing it would require undue experimentation by a skilled artisan, such that the skilled artisan would not "have perceived a reasonable expectation of success in making the invention via" that modification).

Thus, it is respectfully urged that it would not have been obvious to one of ordinary skill in the art to modify Uemura to apply to a gun or other firearm product. For this reason alone, the Examiner's 35 U.S.C. § 103 obviousness objections for claims 3 and 8-21 should be overturned, and claims 3 and 8-21 are in condition for allowability.

5. It would not have been obvious to one of ordinary skill in the art to modify Uemura to provide functionality related to restricted components as required by claims 10-11

Claims 10 and 11, which both depend from claim 9 and thus ultimately from claim 8, add limitations related to providing additional functionalities for enabling the ordering of

restricted gun parts only to customers authorized to purchase such legally restricted components (such as silencers). As the Examiner recognizes, Uemura does not disclose these limitations (February 7, 2006 Office Action, page 5.) However, the Examiner took the position that because the general practice of restricting sales of certain gun parts to be sold only to authorized persons is well known, it would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the Uemura method to sell restricted firearm products only to authorized buyers. (February 7, 2006 Office Action, page 5.) It is respectfully submitted that the Examiner is wrong. Indeed, as discussed above, it would not have been obvious to modify Uemura to apply to the identification and ordering of gun parts. Accordingly, it appears highly unlikely that it somehow would have been obvious to modify Uemura to apply to the identification and ordering of restricted gun parts. Thus, it is respectfully urged that the Examiner's obviousness objections to at least claims 10 and 11 should be overturned and those claims are in a condition for allowability for this independent reason as well.

6. Uemura does not disclose numerous elements of claim 19

In addition to all the reasons set forth above, claim 19 is also not obvious in light of Uemura because Uemura, which is directed at designing complex equipment that can order replacement parts for itself, naturally does not disclose the vast majority of the limitations of claim 19, which is directed at a method of a customer ordering replacement parts for a product it owns by accessing a web site associated with a gun supplier.

Indeed, claim 19, with *emphasis added* requires:

A method of ordering parts for a gun, comprising:

- visiting a web site associated with a gun supplier;**
- identifying a physical gun part to be replaced, said physical gun part not including an identifying part number, the gun having a known manufacturer and a known model number;**
- selecting the known manufacturer **from the web site;**
- selecting the known model number **from the web site;**
- receiving from the web site** a schematic of the gun;
- comparing the **physical gun part** to be replaced to the schematic of the gun;
- matching the **physical gun part** with a gun part illustrated within the schematic;
- selecting a link on the schematic to receive an associated description of the selected gun part;
- selecting a link to initiate an ordering process to order a replacement gun part matching the associated description and matching the **physical gun part.**

As shown by at least the emphasized aspects thereof, claim 19 requires a user to take many actions simply not disclosed or otherwise taught in Uemura, including visiting and interacting with a gun supplier's web site and having and examining a physical gun that can be disassembled during the ordering process to identify the relevant replacement part and to match such part to the interactive schematic.

Uemura simply does not disclose these elements directed to a customer's intricate interaction with a web site and a physical gun to actively order replacement gun parts. As discussed above, because Uemura is directed to designing complex equipment that can order replacement parts for itself, one of ordinary skill in the art would not reasonably expect the customer to have to interact with a supplier's web site, especially not as extensively as is required by claim 19. (*See, e.g.*, Uemura, ¶ [0034] (explaining that a stored communication program—*i.e.*, not the customer itself—activates the data link).) Further, it simply would not

make sense to modify Uemura to accomplish all of the requirements of claim 19 as such would essentially require a gun with self-evaluation capabilities performed by a data processing unit. If the data processing unit is part of the gun, the gun likely could not be disassembled to identify the component while still having the capacity to provide an interactive schematic to permit identification and ordering of that component. The other alternative would be to have the gun affixed to a separate data processing unit, which would eliminate or at least make extremely cumbersome the common uses of a gun.

In sum, one of ordinary skill in the art would not have a reasonable expectation of success in attempting to modify Uemura to accomplish the requirements of claim 19 and doing so would result in an inoperable device. Accordingly, it is respectfully urged that the Examiner's obviousness objections to at least claim 19 should be overturned and claim 19 is in a condition for allowability for this independent reason. *See, e.g., In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984) ("If the teachings of a prior-art reference would lead one skilled in the art to make a modification that would render another prior-art device inoperable, such a modification would generally not be obvious."); *Medichem, S.A.*, 437 F.3d at 1165.

7. Uemura does not disclose the provision of a web site for the customer to order replacement parts as required by claims 8-18

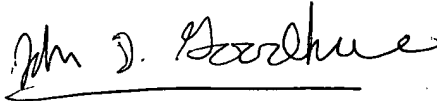
Claim 8 requires the step of "providing a web site for the customer to visit to order a replacement gun part." Claims 9-18 depend from claim 8 and thus also include this limitation. The Examiner contends that paragraph 36 of Uemura teaches the provision of a website. (February 7, 2006 Office Action, page 6.) However, to so construe Uemura would be to completely ignore the remainder of the teachings of Uemura. Uemura teaches the

creation of a direct link between the equipment and its manufacturer, such that the customer does not need to visit a web site as a part of the ordering process. (*See, e.g., Uemura*, ¶ [0034].) While paragraph 36 of *Uemura* does explain that this direct link between the data processor of the analyzer equipment and the data processor of the manufacturer can be through an Internet link, this simply means the direct link is established using the Internet as a medium—not that the analyzer's data processor (or the customer) accesses a web site created by the manufacturer. In sum, *Uemura* teaches a direct link between the analyzer's data processor and the manufacturer's data process which can be over the Internet, but it does not teach a customer accessing a website provided by a supplier. Therefore, it is respectfully urged that the Examiner's obviousness objections to at least claims 8-18 should be overturned and those claims are in a condition for allowability for this independent reason.

For the above-stated reasons, it is respectfully requested that the claims are in condition for allowability. The decision of the Examiner lacks the necessary support and ignores the teachings of *Uemura* and technical obstacles that would lead one of ordinary skill in the art away from modifying *Uemura* to arrive at the claimed invention.

Enclosed is our check for \$250.00 for the filing of this Appeal Brief. If any other fees are required, please charge Deposit Account No. 26-0084 for these fees.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John D. Goodhue", written over a horizontal line.

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VIII. CLAIMS APPENDIX

1. A method of selling replacement parts for a product to a customer and over a computer network, comprising:
providing a plurality of product manufacturer selection options for the customer to select from over the computer network;
receiving a manufacturer selection of one of the product manufacturers from the customer and over the computer network;
providing a plurality of product selections for the customer to select from over the computer network;
receiving a product selection of one of the products from the customer and over the computer network;
providing over the computer network and to the customer an interactive schematic illustrating a plurality of component parts of the product with associated reference identifiers;
receiving a selection from the interactive schematic of at least one of the component parts over the computer network.
2. The method of claim 1 further comprising providing a description of the component part selected, including at least one name for the component part and at least one part number for the component part.
3. The method of claim 2 wherein the product is a firearm product.
4. The method of claim 1 wherein the reference identifier is a selectable reference numeral.
5. The method of claim 1 wherein the schematic is an exploded view.

6. The method of claim 1 further comprising receiving an order for the component part from the customer.

7. The method of claim 1 wherein the description includes more than one name associated with the component part.

8. A method of selling replacement gun parts over a computer network, comprising:
providing a web site for the customer to visit to order a replacement gun part;
providing on the web site a plurality of gun manufacturer selection options for a customer to select from;
receiving a manufacturer selection of one of the gun manufacturers over the computer network;
providing a plurality of gun product selection options for the customer to select from over the computer network;
receiving a product selection of one of the gun products over the computer network;
providing over the computer network to the customer an interactive schematic illustrating a plurality of component parts of the gun product with associated reference identifiers;
receiving a selection by the customer from the interactive schematic of at least one of the component parts over the computer network.

9. The method of claim 8 further comprising providing a description of the component part selected, including at least one name for the component part and at least one part number for the component part.

10. The method of claim 9 further comprising providing an indication that the component is a restricted component.

11. The method of claim 10 further comprising authorizing ordering of the restricted component.
12. The method of claim 9 further comprising receiving an order for the component part from the customer.
13. The method of claim 9 wherein the description includes more than one name associated with the component part.
14. The method of claim 9 wherein the at least one part number of the description includes at least one manufacturer part number.
15. The method of claim 9 wherein the part number of the description includes more than one manufacturer part number.
16. The method of claim 9 wherein the reference identifier is a selectable reference numeral.
17. The method of claim 9 wherein the schematic is an exploded view of the gun product.
18. The method of claim 9 wherein the reference identifiers are ordered by alphabetical ordering of corresponding names of the component parts.
19. A method of ordering parts for a gun, comprising:
visiting a web site associated with a gun supplier;
identifying a physical gun part to be replaced, said physical gun part not including an identifying part number, the gun having a known manufacturer and a known model number;
selecting the known manufacturer from the web site;

selecting the known model number from the web site;
receiving from the web site a schematic of the gun;
comparing the physical gun part to be replaced to the schematic of the gun;
matching the physical gun part with a gun part illustrated within the schematic;
selecting a link on the schematic to receive an associated description of the selected gun part;
selecting a link to initiate an ordering process to order a replacement gun part matching the associated description and matching the physical gun part.

20. A method of selling replacement gun parts using a web site, comprising:
providing the web site for the customer to visit to order a replacement gun part;
providing on the web site a plurality of gun manufacturer selection options for the customer to select from;
receiving a manufacturer selection of one of the gun manufacturers from the customer using the web site;
providing on the web site a plurality of gun product selection options for the customer using the web site to select from;
receiving a product selection of one of the gun products from the customer using the web site;
providing on the web site an interactive schematic illustrating a plurality of component parts of the gun product;
receiving a customer selection from the interactive schematic, the selection corresponding with one of the component parts to re-order.

21. The method of claim 20 wherein the interactive schematic comprises a plurality of reference identifiers associated with the component parts and wherein the consumer selects one of the component parts by selecting one of the reference identifiers within the schematic.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDING APPENDIX

None